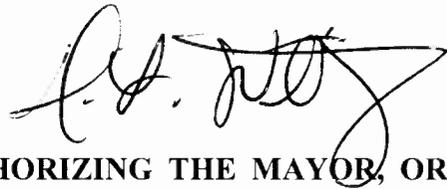


1301402

**AN ORDINANCE
BY COUNCILMEMBER**



AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AMENDMENT AGREEMENT NUMBER 13 WITH C.P. RICHARDS CONSTRUCTION COMPANY, INC. FOR FC-4943A, ANNUAL CONTRACT TO CONSTRUCT SIDEWALKS, DRIVEWAYS, CURBS, AND GUTTERS TO EXTEND THE TERM OF THE AGREEMENT ON A MONTH-TO-MONTH BASIS FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS; TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X OF THE PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City did solicit Bids for Contract No. FC- 4943, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters (“Contractors”); and

WHEREAS, the Atlanta City Council adopted Resolution 09-R-1546 on September 21, 2009, and the Mayor approved the same on September 25, 2009 which authorized the Agreement for FC-4943A with C.P. Richards Construction Company, Inc. (“C.P. Richards”); and

WHEREAS, the base term of the Contract was for a period of two (2) years, with two (2) one (1) year renewal options to be exercised at the sole discretion of the City effective October 2, 2009 through October 1, 2011; and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 1 with C.P. Richards, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 09-R-1929 adopted by the City Council on November 16, 2009 and approved by the Mayor on November 24, 2009 in an amount not to exceed Seven Hundred Forty Eight Thousand Six Hundred Eighty Nine Dollars and Seventy Four Cents (\$748,689.74); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 2 with C.P. Richards, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 10-R-1268 adopted by the City Council on July 19, 2010 and approved by the Mayor on July 27, 2010 in an amount not to exceed Four Hundred Nine Thousand Four Hundred Thirty Nine Dollars and Eighty Two Cents (\$409,439.82); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 3 with C.P. Richards, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 10-R-1824 adopted by the City council on November 1, 2010 and approved per City Charter Section 2-403 on November 1, 2010 in an amount not to exceed Two Hundred Five Thousand One Hundred Ninety Dollars and Ninety Nine Cents (\$205,190.99); and

WHEREAS, the Department of Watershed Management entered into Amendment Agreement Number 4 with C.P. Richards, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 10-R-2120 adopted by the City Council on December 6, 2010 and

approved per City Charter Section 2-403 on December 15, 2010 in an amount not to exceed Six Hundred Seventy Eight Thousand Three Hundred Sixty Nine Dollars and No Cents (\$678,369.00); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 5 with C.P. Richards, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 11-R-0083 adopted by the City Council on January 18, 2011 and approved per City Charter Section 2-403 on January 27, 2011 in an amount not to exceed One Million Fifty Two Thousand Eighty Dollars and No Cents (\$1,052,080.00); and

WHEREAS, the Chief Procurement Officer authorized a 90-day extension of the Contact on September 27, 2011 giving a new expiration date of December 29, 2011; and

WHEREAS, the Department of Public Works entered into Renewal Agreement Number 1 with C.P. Richards, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters for time only and to add "Brick" as an additional line item via Resolution 11-R-1737 adopted by the City Council on December 6, 2011 and approved by the Mayor on December 12, 2011; and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 6 (Administrative Change Order) with C.P. Richards in June 2012, which did not require legislative action, in an amount not to exceed Ninety Nine Thousand Three Hundred Ninety Eight Dollars and Ten Cents (\$99,398.10); and

WHEREAS, the Department of Public Works entered into Renewal Agreement Number 2 with C.P. Richards, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters via Resolution 12-R-1364 adopted by the City Council on October 15, 2012 and approved per City Charter Section 2-403 on October 24, 2012 giving a new expiration date of December 25, 2013; and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 7 with C.P. Richards, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters to include additional unit price line items for Bridges via Resolution 12-R-1729 adopted by the City Council on December 3, 2012 and approved per City Charter Section 2-403 on December 12, 2012; and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 8 (Administrative Change Order) with C.P. Richards in January 2013, which did not require legislative action, in an amount not to exceed Forty Five Thousand One Hundred Ninety Five Dollars and Eighty Eight Cents (\$45,195.88); and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 9 with C.P. Richards, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters for the Barge Road at Campbellton Intersection Improvement Project in an amount not to exceed Thirty Seven Thousand One Hundred Ninety Four Dollars and One Cent (\$37,194.01) via Resolution 13-R-0301 adopted by the City Council on March 4, 2013 and approved per City Charter Section 2-403 on March 13, 2013; and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 10 with C.P. Richards, for FC-4943A, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters in an amount not to exceed Four Hundred Eighty Eight Thousand Six Hundred Seventeen Dollars and No Cents (\$488,617.00) via Resolution 13-R-0422 adopted by the City Council on March 18, 2013 and approved per City Charter Section 2-403 on March 27, 2013; and

WHEREAS, the Department of Public Works entered into Amendment Agreement Number 11 with C.P. Richards, for FC-4943A, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters to include additional unit price line items for recycled concrete via Resolution 13-R-3006 adopted by the City Council on May 6, 2013 and approved per City Charter Section 2-403 on May 15, 2013; and

WHEREAS, the Department of Watershed Management entered into Amendment Agreement Number 12 with C.P. Richards, for FC-4943A, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters in an amount not to exceed Five Hundred Thirty Three Thousand Forty Eight Dollars and Ninety Cents (\$533,048.90) via Resolution 13-R-3242 adopted by the City Council on June 17, 2013 and approved per City Charter Section 2-403 on June 26, 2013; and

WHEREAS, C.P. Richards has performed the contracted services satisfactorily; and

WHEREAS, the Department of Public Works desires to enter into Amendment Agreement Number 13 with C.P. Richards, for FC-4943A to extend the term of the agreement on a month-to-month basis for a period not to exceed six (6) months; and

WHEREAS, the Commissioner of the Department of Public Works recommends Amendment Agreement Number 13 for FC-4943A, Annual Contract to Construct Sidewalks, Driveways, Curbs and Gutters.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

SECTION 1: That the Mayor, or his designee, is authorized to enter into Amendment Agreement Number 13 for FC-4943A, Annual Contract to Construct Sidewalks, Driveways, Curbs, and Gutters with C.P. Richards to extend the term of the agreement on a month-to-month basis for a period not to exceed six (6) months on behalf of the Department of Public Works.

SECTION 2: That Article X, of the Real Estate and Procurement Code, of the City of Atlanta Code of Ordinances, specifically including and without limitation, "Division 4. Source Selection and Contract Formation" is hereby waived to the extent applicable to meet the intent and purpose of this ordinance.

SECTION 3: That the Chief Procurement Officer is directed to assist the City Attorney in the preparation of the appropriate Agreement for execution by the Mayor, or his designee.

SECTION 4: That the Agreement will not become binding upon the City, and the City will incur no liability under it until the Agreement has been approved by the City Attorney as to form, executed by the Mayor, attested to by the Municipal Clerk, and delivered to CP Richards Construction Inc.